PTO/SB/05 (08-00)

Date 27 Dec 2000

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Approved for use through 10/31/2002. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## UTILITY PATENT APPLICATION TRANSMITTAL

EMCR:070 Attomey Docket No. Seyfullah H. Oguz First Inventor Adaptive bit rate control for rate reduction of ... Title

EL291391701US Express Mail Label No. (Only for new nonprovisional applications under 37 CFR 1.53(b)) Assistant Commissioner for Patents APPLICATION ELEMENTS ADDRESS TO: **Box Patent Application** Washington, DC 20231 See MPEP chapter 600 concerning utility patent application contents. Fee Transmittal Form (e.g., PTO/SB/17) CD-ROM or CD-R in duplicate, large table or (Submit an original and a duplicate for fee processing) Computer Program (Appendix) Applicant claims small entity status. 8. Nucleotide and/or Amino Acid Sequence Submission See 37 CFR 1.27. (if applicable, all necessary) TABLE TOTAL Pages 112 ] Specification 3. [X] Computer Readable Form (CRF) - Descriptive title of the invention Specification Sequence Listing on: - Cross Reference to Related Applications i. CD-ROM or CD-R (2 copies); or Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix Statements verifying identity of above copies - Background of the Invention - Brief Summary of the Invention ACCOMPANYING APPLICATION PARTS - Brief Description of the Drawings (if filed) - Detailed Description X | Assignment Papers (cover sheet & document(s)) - Claim(s) 37 CFR 3.73(b) Statement Power of - Abstract of the Disclosure 10. Attorney (when there is an assignee) English Translation Document (if applicable) Drawing(s) (35 U.S.C. 113) [ Total Sheets 34 ] Copies of IDS Information Disclosure 5. Oath or Declaration [Total Pages 2 ] Citations Statement (IDS)/PTO-1449 Newly executed (original or copy) Copy from a prior application (37 CFR 1.63 (d)) (for continuation/divisional with Box 17 completed) **Preliminary Amendment** Return Receipt Postcard (MPEP 503) (Should be specifically itemized) **DELETION OF INVENTOR(S)** Certified Copy of Priority Document(s) (if foreign priority is claimed) Signed statement attached deleting inventor(s) Other REQUEST AND CERTIFICATION UNDER 35 USC 122(6)(2)(B) (L) named in the prior application, see 37 CFR 16. X 1.63(d)(2) and 1.33(b). Application Data Sheet. See 37 CFR 1.76 17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: of pnor application No :\_\_ Continuation Divisional Continuation-in-part (CIP) Group / Art Unit For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts. 18. CORRESPONDENCE ADDRESS Correspondence address below Customer Number or Bar Code Label Richard C. Auchterlonie Name Howrey Simon Arnold & White, LLP 750 Bering Drive Address Houston 77057-2198 Texas Zip Code State City 713-787-1440 United States 713-787-1400 Fax Country Telephone Richard C. Auchterlonie 30,607 Registration No. (Attorney/Agent)

Signature Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application. Washington, DC 20231.

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## **FEE TRANSMITTAL** for FY 2001

Patent fees are subject to annual revision.

TOTAL	AMOUNT	05.5		
16 11 21			<b>. A Y S</b>	4 P N I

(\$) 768.00

Complete if Known			
Application Number			
Filing Date			
First Named Inventor	Seyfullah H. Oguz		
Examiner Name			
Group Art Unit			
Attorney Docket No.	EMCR:070		

METHOD OF PAYMENT	FEE CALCULATION (continued)			
1. The Commissioner is hereby authorized to charge indicated fees and credit any overneyments to:	3. ADDITIONAL FEES			
Deposit	Large Entity Small Entity Fee	F B-! :		
Account ()5-()889	Code (\$) Code (\$)	Fee Paid		
Number Deposit Deposit	105 130 205 65 Surcharge - late filing fee or oath			
Account Name EMC CORPORATION	127 50 227 25 Surcharge - late provisional filing fee or cover sheet			
Charge Any Additional Fee Required Under 37 CFR 1 16 and 1.17	139 130 139 130 Non-English specification			
Applicant claims small entity status	147 2,520 147 2,520 For filing a request for ex parte reexamination			
See 37 CFR 1 27	112 920* 112 920* Requesting publication of SIR prior to Examiner action			
2. X Payment Enclosed:  Check Credit card Money Order Order	113 1,840* 113 1,840* Requesting publication of SIR after Examiner action			
FEE CALCULATION	115 110 215 55 Extension for reply within first month			
1. BASIC FILING FEE	118 390 216 195 Extension for reply within second month			
1. BASIC FILING FEE Large Entity Small Entity	117 890 217 445 Extension for reply within third month			
Fee Fee Fee Fee Description	118 1,390 218 695 Extension for reply within fourth month			
Code (4) Code (4)	128 1,890 228 945 Extension for reply within fifth month			
101 710 201 355 Utility filing fee 710	119 310 219 155 Notice of Appeal			
107 490 207 245 Plant filing fee	120 310 220 155 Filing a brief in support of an appeal			
108 710 208 355 Reissue filing fee	121 270 221 135 Request for oral hearing			
114 150 214 75 Provisional filing fee	138 1,510 138 1,510 Petition to institute a public use proceeding			
	140 110 240 55 Petition to revive - unavoidable			
SUBTOTAL (1) (\$) 710	141 1,240 241 620 Petition to revive - unintentional			
2. EXTRA CLAIM FEES	142 1,240 242 620 Utility issue fee (or reissue)			
Fee from Extra Claims below Fee Paid	143 440 243 220 Design issue fee			
Total Claims 21 -20** = 1 x 18 = 18	144 600 244 300 Plant issue fee			
Independent 3 - 3** = 0 x 0 = 0	122 130 122 130 Petitions to the Commissioner			
Multiple Dependent 0 = 0	123 50 123 50 Petitions related to provisional applications			
	126 240 126 240 Submission of Information Disclosure Strnt			
Large Entity Small Entity Fee Fee Fee Fee Description Code (\$) Code (\$)	581 40 581 40 Recording each patent assignment per property (times number of properties)	40		
103 18 203 9 Claims in excess of 20	146 710 248 355 Filing a submission after final rejection (37 CFR § 1.129(a))			
102 80 202 40 Independent claims in excess of 3	149 710 249 355 For each additional invention to be			
104 270 204 135 Multiple dependent claim, if not paid	examined (37 CFR § 1.129(b))			
109 80 209 40 ** Reissue independent claims over original patent	179 710 279 355 Request for Continued Examination (RCE)			
110 18 210 9 ** Reissue claims in excess of 20 and over original patent	169 900 169 900 Request for expedited examination of a design application			
SUBTOTAL (2) (\$) 18	Other fee (specify)			
**or number previously paid, if greater, For Reissues, see above	Reduced by Basic Filing Fee Pald SUBTOTAL (3) (\$) 40			

SUBMITTED BY			Complete (if applicable)		
Name (Print/Type)	Richard C. Auchterlonie	Registration No. (Attorney/Agent)	30.607	Telephone	713-787-1698
Signature	Phrhand C. audi	lulo	£	Date	27 DEC 2000

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REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

	First Named Inventor		SEYFULLAH H. OGUZ	
Title Adaptive bit rate control for			for	
	Atty Docket Number		EMCR:070	

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

27 December 2000

Reduced ( auchtobe Signature Reg. 30,607

RICHARD C. AUCHTERLONIE

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).